

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In Re:

Gabriel A. San Roman  
Michele D. San Roman

Case No.: 18-77977-reg  
(Chapter 11)

Assigned to:  
Hon. Robert E. Grossman  
Bankruptcy Judge

Debtors.

RELIEF FROM STAY - REAL ESTATE AND  
COOPERATIVE APARTMENTS

**BACKGROUND INFORMATION**

1. REAL PROPERTY OR COOPERATIVE APARTMENT ADDRESS WHICH IS THE SUBJECT OF THIS MOTION: 15 Emmet Drive, Stonybrook, NY 11790-2025
2. LENDER NAME: Wells Fargo Bank N.A.
3. DATE OF MORTGAGE: November 19, 2003
4. POST-PETITION PAYMENT ADDRESS: Wells Fargo Bank N.A.  
Attention: Bankruptcy Payment  
Processing MAC F2302-04C  
1 Home Campus  
Des Moines, IA 50328

**DEBT/VALUE REPRESENTATIONS**

5. TOTAL PRE-PETITION AND POST-PETITION INDEBTEDNESS OF DEBTOR(S) TO MOVANT AT THE TIME OF FILING THE MOTION: \$2,423,841.98 (good through January 16, 2019)  
(Note: this amount may not to be relied on as a "payoff" quotation.)
6. MOVANT'S ESTIMATED MARKET VALUE OF THE REAL PROPERTY: \$3,700,000.00
7. SOURCE OF ESTIMATED VALUATION: Appraisal

**STATUS OF DEBT AS  
OF THE PAYOFF DATE**

8. DEBTOR(S) INDEBTEDNESS TO MOVANT AS OF JANUARY 16, 2019:

A.TOTAL:	\$2,423,841.98
B.PRINCIPAL:	\$1,627,069.93
C.INTEREST:	\$327,972.09
D.ESCROW (TAXES AND INSURANCE):	\$468,058.08
E.FORCED PLACE INSURANCE EXPENDED BY MOVANT:	\$0.00
F.PRE-PETITION ATTORNEY'S FEES CHARGED TO THE DEBTOR:	\$3,465.00
G.PRE-PETITION LATE FEES CHARGED TO DEBTOR:	\$176.77

9. CONTRACT INTEREST RATE: Adjustable

January 1, 2013 - November 30, 2013	3.125%
December 1, 2013 - November 30, 2014	2.875%
December 1, 2014 - November 30, 2015	2.750%
December 1, 2015 - November 30, 2016	3.125%
December 1, 2016 - November 30, 2017	3.875%
December 1, 2017 - November 30, 2018	4.000%
December 1, 2018 - January 16, 2019	5.250%

10. OTHER PRE-PETITION FEES, CHARGES OR AMOUNTS CHARGED TO DEBTOR'S ACCOUNT AND NOT LISTED ABOVE:

Pre-Petition Attorney Costs	\$1,357.44
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**AMOUNT OF POST-PETITION DEFAULT (AS OF JANUARY 16, 2019)**

11. DATE LAST PAYMENT WAS RECEIVED: No post-petition payments received.

12. NUMBER OF PAYMENTS DUE FROM PETITION DATE TO MOTION FILING DATE: 2

13. POST-PETITION PAYMENTS IN DEFAULT:

ALLEGED PAYMENT DUE DATE	ALLEGED AMOUNT DUE	AMOUNT RECEIVED	AMOUNT APPLIED TO PRINCIPAL	AMOUNT APPLIED TO INTEREST	AMOUNT APPLIED TO ESCROW	LATE FEE CHARGED (IF ANY)
*02/01/2013	\$14,225.75	\$0.00	\$0.00	\$0.00	\$0.00	\$176.77
*03/01/2013	\$14,225.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*04/01/2013	\$14,225.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*05/01/2013	\$14,225.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*06/01/2013	\$14,225.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

*07/01/2013	\$14,225.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*08/01/2013	\$14,225.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*09/01/2013	\$14,225.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*10/01/2013	\$14,225.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*11/01/2013	\$14,225.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*12/01/2013	\$14,225.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*01/01/2014	\$14,028.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*02/01/2014	\$14,028.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*03/01/2014	\$14,028.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*04/01/2014	\$14,028.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*05/01/2014	\$14,028.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*06/01/2014	\$14,028.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*07/01/2014	\$14,028.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*08/01/2014	\$14,028.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*09/01/2014	\$14,028.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*10/01/2014	\$14,028.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*11/01/2014	\$14,028.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*12/01/2014	\$14,028.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*01/01/2015	\$13,935.29	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*02/01/2015	\$13,935.29	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*03/01/2015	\$13,935.29	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*04/01/2015	\$13,935.29	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*05/01/2015	\$13,935.29	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*06/01/2015	\$13,935.29	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*07/01/2015	\$13,935.29	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*08/01/2015	\$13,935.29	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*09/01/2015	\$13,935.29	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*10/01/2015	\$13,935.29	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*11/01/2015	\$13,935.29	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*12/01/2015	\$13,935.29	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*01/01/2016	\$14,203.31	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*02/01/2016	\$14,855.53	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*03/01/2016	\$14,855.53	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*04/01/2016	\$14,855.53	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*05/01/2016	\$14,855.53	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*06/01/2016	\$14,855.53	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*07/01/2016	\$14,855.53	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*08/01/2016	\$14,855.53	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*09/01/2016	\$14,855.53	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*10/01/2016	\$14,855.53	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*11/01/2016	\$14,855.53	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*12/01/2016	\$15,258.43	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*01/01/2017	\$15,781.31	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*02/01/2017	\$15,781.31	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*03/01/2017	\$15,781.31	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*04/01/2017	\$15,781.31	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*05/01/2017	\$15,781.31	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*06/01/2017	\$15,542.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*07/01/2017	\$15,542.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

*08/01/2017	\$15,542.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*09/01/2017	\$15,542.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*10/01/2017	\$15,542.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*11/01/2017	\$15,542.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*12/01/2017	\$15,542.54	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*01/01/2018	\$15,626.79	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*02/01/2018	\$15,626.79	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*03/01/2018	\$15,626.79	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*04/01/2018	\$15,626.79	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*05/01/2018	\$15,626.79	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*06/01/2018	\$15,828.12	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*07/01/2018	\$15,828.12	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*08/01/2018	\$15,828.12	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*09/01/2018	\$15,828.12	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*10/01/2018	\$15,828.12	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
*11/01/2018	\$15,828.12	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
12/01/2018	\$15,828.12	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
01/01/2019	\$16,645.84	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTALS	\$1,063,347.21	\$0.00	\$0.00	\$0.00	\$0.00	\$176.77

\*THERE ARE 70 PRE-PETITON MONTHLY MORTGAGE PAYMENTS NOW DUE AS LISTED ABOVE.



**REQUIRED ATTACHMENTS TO MOTION**

PLEASE ATTACH THE FOLLOWING DOCUMENTS TO THIS MOTION AND INDICATE THE EXHIBIT NUMBER ASSOCIATED WITH THE DOCUMENTS.

1. COPIES OF DOCUMENTS THAT ESTABLISH MOVANT'S INTEREST IN THE SUBJECT PROPERTY. FOR PURPOSES OF EXAMPLE ONLY, A COMPLETE AND LEGIBLE COPY OF THE PROMISSORY NOTE OR OTHER DEBT INSTRUMENT TOGETHER WITH A COMPLETE AND LEGIBLE COPY OF THE MORTGAGE AND ANY ASSIGNMENTS IN THE CHAIN FROM THE ORIGINAL MORTGAGEE TO THE CURRENT MOVING PARTY. (EXHIBIT A.)

2. COPIES OF DOCUMENTS THAT ESTABLISH MOVANT'S STANDING TO BRING THIS MOTION. (EXHIBIT A.)

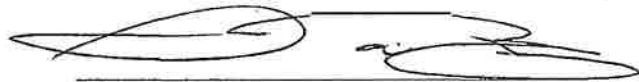
3. COPIES OF DOCUMENTS THAT ESTABLISH MOVANT'S INTEREST IN THE REAL PROPERTY OR COOPERATIVE APARTMENT WAS PERFECTED. FOR THE PURPOSES OF EXAMPLE ONLY, THIS MAY BE A COMPLETE AND LEGIBLE COPY OF THE FINANCING STATEMENT (UCC-1) FILED WITH THE CLERK'S OFFICE OR THE REGISTER OF THE COUNTY IN WHICH THE PROPERTY OR COOPERATIVE APARTMENT IS LOCATED. (EXHIBIT A.)

**DECLARATION AS TO BUSINESS RECORDS**

I, LaKeidra Barber, Vice President Loan Documentation OF WELLS FARGO BANK, N.A. THE MOVANT ~~HEREIN, DECLARE~~ PURSUANT TO 28 U.S.C. §1746 UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS FORM AND ANY EXHIBITS ATTACHED HERETO (OTHER THAN THE TRANSACTIONAL DOCUMENTS ATTACHED AS REQUIRED BY PARAGRAPHS 1, 2, AND 3, ABOVE) IS DERIVED FROM RECORDS THAT WERE MADE AT OR NEAR THE TIME OF THE OCCURRENCE OF THE MATTERS SET FORTH BY, OR FROM INFORMATION TRANSMITTED BY, A PERSON WITH KNOWLEDGE OF THOSE MATTERS; THAT THE RECORDS WERE KEPT IN THE COURSE OF THE REGULARLY CONDUCTED ACTIVITY; AND THAT THE RECORDS WERE MADE IN THE COURSE OF THE REGULARLY CONDUCTED ACTIVITY AS A REGULAR PRACTICE.

I FURTHER DECLARE THAT COPIES OF ANY TRANSACTIONAL DOCUMENTS ATTACHED TO THIS WORKSHEET AS REQUIRED BY PARAGRAPHS 1, 2 AND 3, ABOVE, ARE TRUE AND CORRECT COPIES OF THE ORIGINAL DOCUMENTS.

Executed at Fort Mill South Carolina on this 24th day of January 2019.



<SIGNATURE>

\_\_\_\_\_  
LaKeidra Barber

\_\_\_\_\_  
Vice President Loan Documentation

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WELLS FARGO BANK, N.A.

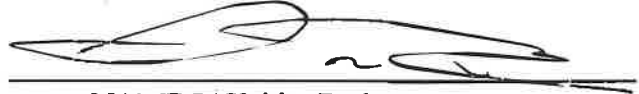
\_\_\_\_\_  
3476 STATEVIEW BOULEVARD

\_\_\_\_\_  
Fort Mill, South Carolina 29715

**DECLARATION**

I, LaKeidra Barber, Vice President Loan Documentation OF WELLS FARGO BANK, N.A. THE MOVANT  
HEREIN, DECLARE PURSUANT TO 28 U.S.C. §1746 UNDER PENALTY OF  
PERJURY THAT THE FOREGOING IS TRUE AND CORRECT BASED ON PERSONAL KNOWLEDGE  
OF THE MOVANT'S BOOKS AND BUSINESS RECORDS.

Executed at Fort Mill, South Carolina, ON THIS 24th day of January, 2019.

A handwritten signature in black ink, appearing to read 'LaKeidra Barber', is written over a horizontal line.

NAME: LaKeidra Barber  
TITLE: Vice President Loan Documentation  
Wells Fargo Bank, N.A.  
3476 Stateview Boulevard  
Fort Mill, South Carolina 29715